As a supervisor, you have responsibilities under the FMLA. If you intentionally or unintentionally deny employees’ rights under the FMLA, you can be held personally liable. Although you are not expected to know all of the details of the FMLA, you should know the basics and how to recognize a possible serious health condition. The FAQ below provides information that will answer many of the questions you may have about FMLA. Your Human Resources Office is available to assist with specific FMLA questions and issues.

**Frequently Asked Questions**

1. **Can I ask an employee why he/she is absent from work?**

   Yes. In fact, you are required to ask. Under the FMLA, an employee does not have to assert their FMLA rights; it is the supervisor's responsibility to recognize that an absence may be FMLA qualifying. An employee does not have to reveal a diagnosis, but should give a general reason for the absence. (An employee who is approved for more than one condition/reason must identify which approval the absence falls under.)

2. **How do I know if an absence is FMLA qualifying?**

   The FMLA covers absences for serious health conditions. Do not assume that an employee’s absence is not serious. The definition of serious health condition can include episodic absences and minor illnesses of more than three consecutive calendar days (including scheduled days off if the doctor certifies inability to work on those days.) For reference, the FMLA policy lists all of the types of absences that are FMLA qualifying.

3. **What do I do if I suspect that an absence could be FMLA qualifying?**

   You should have a meeting with the employee in a private place and ask the employee if they or a family member may have a serious health condition. The Benefits Manager will provide the employee a Serious Health Condition Certification form to obtain medical information to support the absence(s).

4. **Do I provide Human Resources with the medical information received?**

   Yes. If you receive any medical information to support a serious health condition, it should immediately be forwarded to the Benefits Manager in a sealed envelope marked “personal and confidential.” **Do not keep a copy. Human Resources will maintain all medical information in a confidential medical file.** Based on the medical information provided, the Human Resources Office will either approve the leave and properly notify the employee of his/her rights, duties, and responsibilities while using FMLA-qualifying leave or deny the leave. As the supervisor you will receive a copy of the letter.

5. **Do I need to alert Human Resources of an absence when I am sure it is due to a serious health condition?**

   Yes. You must notify Human Resources any potentially FMLA qualifying absences. The Benefits Manager must send the proper notification letter and information to the employee.

6. **Does Human Resources need to know of each FMLA qualifying absence?**

   In most cases, once approved, it is not necessary to provide notification of each time the employee is absent for an FMLA qualifying reason.

7. **Can I disapprove FMLA leave if I believe the absences are excessive?**

   You cannot disapprove requests for FMLA qualifying leave. If you suspect abuse of FMLA privileges, discuss the situation with The Director of Human Resources or Benefits Manager. Human Resources may decide to obtain updated medical information or schedule an independent medical examination of the employee (or family member).

8. **What do I need to do when an employee returns from an FMLA absence?**

   You must verify that the employee is released to return to work based on the date of the approval letter or be viewing a return to work release from the employee's health care provider. You must also inform the Benefits Manager so that the employee can be returned to the payroll, if using unpaid leave.

   Timeliness is extremely important. As soon as you become aware that an absence may be due to a serious health condition, alert the Benefits Manager. Absences must be designated as FMLA qualifying as soon as possible following the absence. The supervisor must inform Human Resources if one of the following has occurred:

   - The employee has been absent more than three consecutive days.
   - The employee has informed the supervisor of the need to be absent due to the illness for self or family member; care of a newborn child; to adopt or accept a child for foster care.
   - There is an intermittent pattern of absenteeism that the supervisor has learned (either because the employee has volunteered or the supervisor may have asked) may be for an FMLA qualifying reason.